

1 PHILLIP A. TALBERT
2 United States Attorney
3 MATHEW W. PILE, WSBN 32245
4 Associate General Counsel
5 Office of Program Litigation, Office 7
6 Social Security Administration
7 ANGELA THORNTON-MILLARD, IA 17922
8 Special Assistant United States Attorney
9 6401 Security Boulevard
10 Baltimore, Maryland 21235
11 Telephone: (816) 936-5079
12 E-Mail: angela.thornton-millard@ssa.gov
13 Attorneys for Defendant

14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**
16 **FRESNO DIVISION**

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MANUEL RIOS, JR.,) Case No.: 1:23-CV-00713-SKO
vs.)
COMMISSIONER OF SOCIAL SECURITY,) STIPULATION FOR THE AWARD AND
Defendant.) PAYMENT OF ATTORNEY FEES AND
vs.) EXPENSES PURSUANT TO THE EQUAL
) ACCESS TO JUSTICE ACT, 28 U.S.C.
) § 2412(d), AND COSTS PURSUANT TO 28
) U.S.C. § 1920; ORDER RE: STIPULATION
) AND DENYING MOTION FOR
) ATTORNEY'S FEES AS MOOT
) (Docs. 21 & 24)

IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and
expenses in the amount \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED dollars) under the
Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920.
This amount represents compensation for all legal services rendered on behalf of Plaintiff by
counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider
the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*,
560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment
will depend on whether the fees are subject to any offset allowed under the United States

1 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
2 government will determine whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
4 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
5 be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any payments
6 made shall be delivered to counsel.

7 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
8 attorney fees and does not constitute an admission of liability on the part of Defendant under the
9 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from and
10 bar to any and all claims that Plaintiff and/or counsel including counsel's firm may have relating
11 to EAJA attorney fees or costs in connection with this action.

12 This award is without prejudice to the rights of counsel and/or counsel's firm to seek
13 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
14 provisions of the EAJA.

15 Respectfully submitted,

16 Date: February 26, 2024

/s/ Jonathan O. Pena*
17 JONATHAN O. PENA
18 (as authorized by email on February 26, 2024)
19 Attorney for Plaintiff

20 Date: February 26, 2024

21 PHILLIP A. TALBERT
22 United States Attorney
23 MATHEW W. PILE
24 Associate General Counsel
25 Social Security Administration

26 /s/ Angela Thornton-Millard
27 ANGELA THORNTON-MILLARD
28 Special Assistant United States Attorney
Social Security Administration
Attorney for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees (the "Stipulation") (Doc. 24),

IT IS ORDERED that fees in the amount of \$7,500.00 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

IT IS FURTHER ORDERED that Plaintiff's motion for attorney's fees (Doc. 21) is DENIED as MOOT.

IT IS SO ORDERED.

Dated: February 26, 2024

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE